

## Message Text

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C O N F I D E N T I A L SECTION 01 OF 06 BONN 20712

E.O. 11652: GDS

TAGS: PFOR, PGOV, WB, GW, GE

SUBJECT: INNER-GERMAN TRANSIT PACKAGE: ALLIED FOLLOW-  
UP ACTION

REFS: A. USBERLIN 2601

B. USBERLIN 2515

BEGIN SUMMARY: WE CONCUR IN USBER'S VERY HELPFUL  
ANALYSIS OF THE JUST-CONCLUDED FRG-GDR TRANSIT AGREE-  
MENTS AND AGREE ALSO ON THE NEED FOR PROMPT ACTION BY  
THE ALLIED KOMMANDATURA TO PRESERVE ALLIED LEGAL  
POSITIONS, PARTICULARLY WITH REGARD TO REICHSBAHN PRO-  
PERTY IN WEST BERLIN. AS THE THREE ALLIED AMBASSADORS  
MADE CLEAR TO GEHLHOFF, THEIR ACQUIESCENCE IN THE CON-  
CLUSION OF THE AGREEMENTS DID NOT CONSTITUTE APPROVAL  
OF THE SPECIFIC TEXTS, WHICH WE HAD INADEQUATE TIME TO  
STUDY.

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THE NEGOTIATING HISTORY REPRESENTED A VICTORY OF SORTS FOR THE FRG IN ASSERTING ITS RIGHT TO REPRESENT THE INTERESTS OF WEST BERLIN IN DEALINGS WITH THE GDR. AT THE SAME TIME, THE GDR TRIUMPHED IN MATTERS OF FORM, AND THE VARIOUS UNILATERAL DECLARATIONS FROM THE GDR TO THE SENAT ENCUMBER THE PUBLIC RECORD WITH SOME TROUBLE-SOME PRECEDENTS. THE PROCEDURES FOLLOWED ALSO REPRESENT A POTENTIAL WEAKENING OF THE ALLIED LEGAL POSITION, AND WE CONCUR IN THE STEPS USBER IS SUGGESTING FOR SHORING UP THAT POSITION.

REASONS FOR THE SENSE OF URGENCY MANIFESTED BY THE CHANCELLOR IN BRINGING THE NEGOTIATIONS TO A CONCLUSION ARE NOT YET CLEAR. HE PRESUMABLY CONCLUDED THAT THE DOMESTIC POLITICAL FALL-OUT WAS MANAGEABLE, AND HE WILL NO DOUBT ARGUE IN THE COMING ELECTION CAMPAIGN THAT THE TANGIBLE BENEFITS FOR BERLINERS WERE MORE IMPORTANT THAN ANY EFFORT TO EXTRACT POLITICAL CONCESSIONS FROM THE GDR, PARTICULARLY ON THE RECENTLY-SURFACED FORCED ADOPTION ISSUE. THE NEGOTIATIONS DEMONSTRATE THAT THE CHANCELLOR HAS LIMITED PATIENCE FOR DETAILED CONSULTATIONS WITH THE THREE ALLIES WHO RETAIN RESPONSIBILITY FOR BERLIN AND COMPETENCE IN ALL-GERMAN AFFAIRS, AND THE THREE ALLIED AMBASSADORS WILL BE DISCUSSING WHETHER AND HOW TO MAKE KNOWN ALLIED ATTITUDES ON THE SUBJECT. END SUMMARY

1. WE COMMEND THE MISSION FOR ITS PROMPT AND EXCELLENT ANALYSIS (REFTEL A), WITH WHICH WE ARE IN BASIC AGREEMENT. WE AGREE IN PARTICULAR THAT THE ALLIES SHOULD MOVE QUICKLY WITH ANY FOLLOW-UP ACTION REQUIRED FOR PRESERVING ALLIED POSITIONS. FURTHER ANALYSIS, AND POSSIBLY A STUDY BY THE AK LEGAL COMMITTEE ONCE THERE HAS BEEN TIME TO EXAMINE THE ENTIRE PACKAGE WILL BE MOST WELCOME. MEANWHILE, SOME EMBASSY OBSERVATIONS ON THE AGREEMENTS AND RECOLLECTIONS ON THE NEGOTIATING HISTORY MAY BE WORTHWHILE TO HELP ROUND OUT THE PICTURE AND FOR USE IN ANY POSSIBLE POST MORTEMES.

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LINKAGE OF AUTOBAHN IMPROVEMENTS TO TRANSMIT REGIME.

2. AS USBER NOTES (PARAS 3 AND 4, REFTTEL A), GDR ACCEPTANCE OF A REFERENCE TO THE TRANSIT TRAFFIC AGREEMENT (TTA) IN THE GAUS LETTER CONCERNING AUTOBAHN AND BERLIN RING CONSTRUCTION REPRESENTED A MAJOR VICTORY FOR THE FRG. GEHLHOFF TOLD THE THREE ALLIED

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AMBASSADORS THAT THE BREAKTHROUGH ON THIS ISSUE CAME ONLY AFTER THE CHANCELLOR SENT TWO PERSONAL MESSAGES TO HONECKER THAT FAILURE TO HAVE AN APPROPRIATE LINKAGE TO THE TRANSIT REGIME WOULD JEOPARDIZE THE ENTIRE PACKAGE, IN VIEW OF THE REQUIREMENT OF THE THREE ALLIES FOR SUCH A REFERENCE. THE FACT THAT THE CHANCELLOR UNDERSTOOD AND TOOK SERIOUSLY THE ALLIED POSITION IN THIS REGARD IS, WE BELIEVE, AN INDICATION THAT THE CONSULTATIVE PROCESS WAS NOT TOTALLY MEANINGLESS.

3. IT WILL BE RECALLED THAT THE FRG HAD ORIGINALLY SOUGHT THE VIEWS OF THE ALLIES IN THE BONN GROUP ON THIS ISSUE IN OCTOBER. THE ALLIED REPS ON OCTOBER 23 EXPRESSED THEIR VIEWS ON THE NECESSITY FOR

A REFERENCE TO THE TTA IN THE EXCHANGE OF LETTERS  
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(BONN 17520), AND ON NOVEMBER 7 ALLIED REPS, AFTER CONSULTING CAPITALS, APPROVED WHAT ULTIMATELY BECAME THE FINAL TEXT OF THE GAUS-SCHLIMPER EXCHANGE (BONN 18316). ON DECEMBER 9, HOWEVER, THE FRG REP INFORMED THE ALLIES THAT THE GDR WOULD NOT ACCEPT THE REFERENCE TO THE TTA, AND THE FRG ONCE MORE SOUGHT ALLIED VIEWS ON THE NECESSITY FOR SUCH A REFERENCE. THE ALLIED REPS AGAIN EXPRESSED THEMSELVES ON THE SUBJECT, AND AT THE REQUEST OF THE FRG REP THEY AGAIN SOUGHT URGENT INSTRUCTIONS FROM CAPITALS, TO INCLUDE CONSIDERATION OF THE ADEQUACY OF AN UNOPPOSED ORAL DECLARATION BY THE FRG (BONN 19941).

4. BECAUSE OF THE INTERVENING BRUSSELS QUADRIPARTITE MEETING, ATTENDED BY ALL SENIOR BONN GROUP REPS, REACTIONS OF CAPITALS TO THIS LAST REQUEST (INCLUDING THE DEPARTMENT'S INSTRUCTION -- STATE 293628, RECEIVED DECEMBER 13) WERE NEVER CONVEYED TO THE FRG. AS PREVIOUSLY REPORTED, THE FRG CANCELLED THE NEXT SCHEDULED BONN GROUP MEETING ON DECEMBER 16. WE ASSUME THAT LUECKING, WHO PERSONALLY FELT STRONGLY ON THE NECESSITY FOR THE REFERENCE TO THE TTA, HAD ALREADY CONVEYED ALLIED VIEWS TO THE CHANCELLERY ON THE BASIS OF THE DECEMBER 9 BONN GROUP DISCUSSION. HOW MUCH THIS REPRESENTED CONSULTATIONS AT WORK, AND HOW MUCH IT WAS A CASE OF THE FOREIGN OFFICE'S USING ALLIED OPINIONS TO BUTTRESS ITS OWN POSITION WITH THE CHANCELLERY MUST REMAIN A MATTER FOR SPECULATION. IN ANY CASE, THE CHANCELLOR APPARENTLY STOOD FIRM AND, ACCORDING TO GAUS (BERLIN 6928), IT WAS ON DECEMBER 13 THAT THE GDR FINALLY CONCEDED THE POINT.

FUTURE LINKAGE OF HAMBURG AUTOBAHN TO TTA

5. USBER PROPERLY NOTES THE NECESSITY OF MAKING CERTAIN THAT, AT THE PROPER TIME, A SIMILAR MEANS IS FOUND FOR TYING THE PROPOSED BERLIN-HAMBURG AUTOBAHN AND THE NEW CROSSING POINT IN THE NORTH OF BERLIN TO THE TRANSIT REGIME. DESPITE MANY FRG  
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REFERENCES TO THE INNER-GERMAN DISCUSSIONS OF THE HAMBURG AUTOBAHN AND A NORTHERN CROSSING POINT OVER THE PAST FEW MONTHS, IT WAS NOT UNTIL VAN WELL'S BRIEFING TO THE FOUR MINISTERS ON DECEMBER 12 (STATE 299354) THAT WE WERE AWARE OF THE NATURE OF THE AGREEMENT WHICH HAD BEEN REACHED ON THESE MATTERS.

6. ON DECEMBER 15 WE SAW FOR THE FIRST TIME THE TEXT OF THE UNILATERAL GDR DECLARATION OF READINESS TO START NEGOTIATIONS IN 1978 ON BUILDING THE NEW AUTOBAHN WITH ACCESS TO IT FROM THE NORTH OF BERLIN (BONN 20315, DOCUMENT NO. 8). ONE OF THE MANY QUESTIONS WE HAD INTENDED TO POSE AT THE FOLLOWING DAY'S BONN GROUP DISCUSSION OF THE PACKAGE OF DOCUMENTS WAS WHETHER IT WOULD NOT BE DESIRABLE FOR THE FRG TO REPLY TO THIS GDR DECLARATION AND TO INCLUDE IN THE REPLY A CLEAR REFERENCE TO THE TTA.

7. WE WILL NOW CONSIDER IN TRIPARTITE DISCUSSIONS HERE THE BEST WAY OF NOTING FOR THE RECORD THE ESSENTIALITY OF BRINGING BOTH THE NEW AUTOBAHN AND THE EVENTUAL USE OF THE NORTHERN CROSSING POINT FOR TRANSIT TRAFFIC UNDER THE TRANSIT REGIME. MEANWHILE, WE NOTE WITH SATISFACTION THAT THE GDR-SENAT EXCHANGE OF LETTERS ON THE OPENING OF THE NORTHERN CROSSING POINT SPECIFICALLY REFERS TO THE DECEMBER 20,

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1971 SENAT-GDR VISITOR TRAFFIC ARRANGEMENT. WE  
ASSUME THE AK LEGAL COMMITTEE WILL BE CONSIDERING  
WHETHER THIS IS ADEQUATE FOR THE USAGE TO WHICH THE  
NEW CROSSING POINT WILL BE AVAILABLE DURING THE  
INTERIM PERIOD PENDING CONSTRUCTION OF THE NEW  
AUTOBAHN, OR WHETHER AK AUTHORIZATION WILL BE REQUIRED  
BEFORE THE CROSSING POINT IS OPENED IN 1976.

PRESERVATION OF LEGAL POSITIONS.

8. WHILE THE CHANCELLOR WAS ABLE TO OBTAIN GDR  
ACCEPTANCE OF THE ALLIED POSITION ON BRINGING THE  
HELMSDT AUTOBAHN IMPROVEMENT AND BERLIN RING EX-  
PANSION UNDER THE TRANSIT REGIME (A POSITION WHICH,  
INCIDENTALLY, IS ALSO IN THE GERMAN INTEREST, SINCE  
IT MAKES CLEAR THAT THE SOVIET GUARANTEE OF UNIMPEDED  
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ACCESS AS EXPRESSED IN THE QA APPLIES), HE WAS  
OBVIOUSLY LESS INTERESTED IN OBSERVING PROCEDURAL  
NICETIES. TO USBER'S ANALYSIS (PARA 4, REF A) OF THE  
IMPACT OF THE NEW AGREEMENTS ON THE POSITIONS OF THE  
VARIOUS PARTIES AT INTEREST, WE WOULD ADD THE  
FOLLOWING OBSERVATIONS:

-- IN SUBSTANCE, IF NOT IN FORM, THE RIGHT OF  
THE FRG TO REPRESENT THE INTERESTS OF BERLIN ABROAD  
HAS BEEN STRENGTHENED BY GDR ACCEPTANCE OF THE FRG  
AS THE NEGOTIATING PARTNER ON ALL OF THE ITEMS  
COVERED IN THE AGREEMENTS PACKAGE. EVEN WITH REGARD  
TO THE TELTOW CANAL, THE FACT THAT THE PROCE-  
DURES FOLLOWED WERE WORKED OUT BETWEEN THE FRG AND  
THE GDR REPRESENTS SOMETHING OF A BREAKTHROUGH WHICH  
GOES AT LEAST PART WAY TOWARD MEETING THE LONG-  
STANDING FRENCH POSITION, THAT THERE SHOULD BE  
AT LEAST SOME GDR ACKNOWLEDGEMENT OF AN FRG ROLE  
BEFORE THE SENAT COULD BE AUTHORIZED TO EXERCISE

ITS MANDATE TO CONDUCT TECHNICAL DISCUSSIONS. GAUS INDICATED TO THE CHIEFS OF THE THREE ALLIED MISSIONS IN EAST BERLIN (BERLIN 6928) HIS SATISFACTION THAT THE FRG HAS BEEN ACCEPTED AS THE ONLY NEGOTIATING PARTNER.

-- ON THE OTHER HAND, THE GDR POSITION HAS BEEN CONSIDERABLY STRENGTHENED, IN FORM IF NOT IN SUBSTANCE. THE GDR SUCCEEDED IN BUILDING A PUBLIC RECORD WHICH MAKES IT APPEAR THAT THE CONSTITUTIVE ACTS WERE BETWEEN THE GDR AND THE SENAT. WITH THE PASSAGE OF TIME, THESE APPEARANCES MAY PROVE TO HAVE GREATER WEIGHT THAN THE ACTUAL FACT THAT THE AGREEMENTS WERE CONCLUDED WITH THE FRG, AND THE SERIES OF UNILATERAL NOTIFICATIONS FROM THE GDR WILL BE TROUBLE-SOME PRECEDENTS FOR THE FUTURE.

-- IT IS THE ALLIED POSITION, MEANWHILE, WHICH APPEARS TO HAVE BEEN MOST OVERLOOKED AS THE SCENARIO UNFOLDED, AND WE AGREE WITH USBER THAT OUR PROCEDURES FOR CONTROLLING AND LIMITING THE SENAT'S DISCUSSIONS WITH THE GDR HAVE BEEN WEAKENED. WHEN CONFIDENTIAL

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THE FRG REP REPORTED IN THE BONN GROUP ON DECEMBER 9 THAT NEGOTIATIONS WERE NEARING AN END, THE US REP ASKED ABOUT FRG THINKING ON HOW THE AGREEMENTS WERE TO BE APPLIED TO BERLIN (USBERLIN 2469 AND BONN 19941). IT WAS APPARENT THAT THE FRG HAD GIVEN NO THOUGHT TO THE MATTER AS OF THAT TIME. A WEEK LATER, ON DECEMBER 16, WHEN WE WERE INFORMED BY THE FRG OF CANCELLATION OF THAT DAY'S BONN GROUP MEETING, WE POINTED OUT EMPHATICALLY THAT ONE URGENT QUESTION RAISED BY OUR PRELIMINARY REVIEW OF THE PACKAGE OF DOCUMENTS SENT TO US THE PREVIOUS DAY WAS METHOD OF APPLICATION OF THE AGREEMENTS TO BERLIN. THE ISSUE HAS THUS NEVER BEEN DISCUSSED IN THE BONN GROUP, AND IT WILL BE UP TO THE ALLIES IN BERLIN TO TAKE ANY NECESSARY REMEDIAL ACTION.

FOLLOW-UP ACTION BY ALLIED KOMMANDATURA.

9. TO THE EXTENT THAT WE UNDERSTAND THE FRENCH PROPOSAL FOR INSISTING ON RATIFICATION OF THE AGREEMENTS BY THE AK, WE TEND TO AGREE -- IN THE LIGHT OF THE FOREGOING ANALYSIS -- THAT THIS WOULD BE DESIRABLE. WE MUST, OF COURSE, AVOID ANY APPEARANCE OF ATTEMPTING TO SABOTAGE THE AGREEMENTS OR TO RENEGE ON APPROVALS WHICH HAVE BEEN GIVEN. BUT BOTH THE AMERICAN AND THE FRENCH AMBASSADORS MADE IT

CLEAR TO GEHLHOFF THAT THEIR CONCURRENCE IN

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THE FRG PLAN FOR CONCLUDING THE AGREEMENTS IMMEDIATELY DID NOT OBVIATE THE NEED FOR OBSERVING EXISTING PROCEDURES IN BERLIN. THEY POINTED OUT THAT THERE COULD BE NO AUTOMATICITY IN THE APPLICATION OF THE AGREEMENTS TO BERLIN WITHOUT INTERVENING ALLIED ACTION (PARA 4, BONN 20378).

10. WE SEE CONSIDERABLE MERIT, THEREFORE, IN THE FRENCH DESIRE TO HAVE THE SENAT TRANSMIT THE AGREEMENTS TO THE AK IN THE NORMAL WAY FOR AK APPROVAL. THIS IS NECESSARY NOT ONLY TO PROTECT BASIC ALLIED LEGAL POSITIONS BUT ALSO TO PREVENT A DOWNGRADING OF THE ROLE OF THE BERLIN MISSIONS. THE FACT THAT



THE BASIC TEXTS WERE GIVEN TO THE ALLIES IN BONN  
BY THE FRG IN ITS CONSULTATIVE ROLE DOES NOT MEET  
THE OBLIGATION OF THE SENAT TO FOLLOW ESTABLISHED  
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PROCEDURES VIS-A-VIS THE AK, AND WE ARE PLEASED THAT  
THE GOVERNING MAYOR DID AGREE TO THE REQUEST OF THE  
COMMANDANTS TO PROVIDE THE DOCUMENTS (USBER 2600).  
WE REGRET THAT TWO REQUESTS AND AT THAT LEVEL  
WERE NECESSARY. ALSO WE HOPE THE MISSIONS WILL FIND  
AN OPPORTUNITY TO COUNTER THE STATEMENT BY HERZ THAT  
THE DOCUMENTS HAD BEEN "APPROVED" BY THE THREE ALLIED  
AMBASSADORS. THAT STATEMENT, WHICH REPEATS ONE  
REPORTEDLY MADE BY SCHUETZ TO THE FRENCH COMMANDANT  
EARLIER IN THE WEEK, IS SIMPLY NOT CORRECT. THE  
ACQUIESCENCE OF THE THREE AMBASSADORS IN THE SIGNING  
PROCEDURES DID NOT CONSTITUTE APPROVAL OF THE TEXTS  
OF THE AGREEMENTS, WHICH WE HAD HAD INADEQUATE TIME TO  
STUDY.

REICHSBAHN PROBLEMS.

11. USBER'S TIMELY WARNINGS ON THE POTENTIAL PROBLEMS  
WITH THE PROPOSED WORDING OF THE AGREEMENTS CONCERNING  
THE OPENING OF THE STAAKEN CROSSING POINT AND THE  
INSTITUTION OF THE THREE NEW RAIL STOPS IN WEST  
BERLIN MADE IT POSSIBLE FOR THE AMBASSADOR TO FOREWARN  
GEHLHOFF THAT THERE MIGHT BE PROBLEMS ON THAT SCORE.  
WE AGREE THAT IT IS NOW NECESSARY TO MOVE QUICKLY  
TO ISSUE NECESSARY DOCUMENTS TO PROTECT OUR LEGAL  
POSITION AND TO PRECLUDE POSSIBLE PROBLEMS STEMMING  
FROM GDR ATTEMPTS TO EXERCISE SOVEREIGN RIGHTS  
OVER REICHSBAHN PROPERTY IN WEST BERLIN. EMBASSY  
VIEWS ON THE DRAFT BK/O IN REF B ARE BEING PROVIDED  
BY SEPTEL.

12. THERE IS, AS USBER NOTES A DANGER THAT THE GDR  
WILL VIEW ALLIED ASSERTIONS OF AUTHORITY AS AN UN-  
ACCEPTABLE IMPEDIMENT TO IMPLEMENTATION OF THE AGREE-  
MENT WORKED OUT WITH THE FRG. IF SO, THIS COULD HAVE  
A SPILL-OVER EFFECT ON OUR RELATIONS WITH THE FRG AND  
THE SENAT. WE WOULD HOPE, HOWEVER, THAT EARLY CON-  
SULTATIONS WITH THE SENAT, ONCE THERE IS PRELIMINARY  
AGREEMENT AMONG THE THREE MINISTERS, WOULD PRECLUDE  
ANY GERMAN CLAIMS THAT THE ALLIES ARE TRYING TO UNDER-  
MINE THE AGREEMENT. HOPEFULLY HERZ IS CORRECT IN  
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IMPLYING THAT THE GDR DOES NOT INTEND TO CREATE ANY DIFFICULTIES (USBER 2588). IN ANY CASE, THE IMPORTANCE OF THE INTERESTS AT STAKE MAKE IT NECESSARY TO PUT THE ALLIED POSITION ON THE RECORD.

13. GIVEN THE POTENTIAL FOR CONFLICT OVER THESE RAIL ISSUES AND THE ASSERTION BY SANNE THAT THE ALLIES HAD HAD AMPLE TIME TO EXPRESS ANY OBJECTIONS TO THE DRAFT AGREEMENTS (BONN 20378, PARA 3), WE ARE IN THE PROCESS OF RECONSTRUCTING A HISTORY OF FRG-ALLIED CONSULTATIONS ON STAAKEN AND THE INSTITUTION OF ADDITIONAL RAIL STOPS. IT WAS ONLY AT THE END OF THE NEGOTIATIONS THAT THE ALLIES WERE MADE AWARE THAT GDR AGREEMENT TO THE REOPENING OF THE THREE STATIONS IN WEST BERLIN WAS TO BE EXPRESSED IN ANY WAY OTHER THAN THE MESSAGE TO THE BUNDESBAHN, WHICH WOULD HAVE LEFT IT ESSENTIALLY AS A MATTER AGREED BETWEEN THE REICHSBAHN AND THE BUNDESBAHN WITHIN THE FRAMEWORK OF THE RAILWAY SCHEDULING CONFERENCES.

OTHER ALLIED ACTIONS.

14. TWO ADDITIONAL QUESTIONS FOR EXAMINATION IN BERLIN COME TO MIND, BOTH RELATED TO THE RECONSTRUCTION OF THE HELMSTEDT AUTOBAHN. THE PACKAGE OF DOCUMENTS RECEIVED ON DECEMBER 16 FOR THE FIRST TIME

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PROVIDED THE DETAILS WE HAD LONG BEEN REQUESTING ON THE NATURE AND EXTENT OF REPAIRS TO THE AUTOBAHN. USCOB WILL PRESUMABLY WISH TO HAVE THESE STUDIED FOR A CLEARER IDEA OF THE ADEQUACY OF THE REPAIRS FROM OUR STANDPOINT AND OF POSSIBLE INTERRUPTIONS TO THE FLOW OF ALLIED TRAFFIC WHILE WORK IS IN PROGRESS.

15. RELATED TO THIS IS THE QUESTION, ALREADY RAISED INFORMALLY WITH ABRASIMOV BY AMBASSADOR WORMSER, OF OBTAINING SOVIET ASSURANCES THAT THERE WILL BE NO INTERFERENCE WITH ALLIED TRAFFIC. THE GDR ORAL DECLARATION THAT IT WILL PROVIDE NOTICE OF DETOURS TO THE FRG IS OF COURSE INADEQUATE FOR ALLIED NEEDS, AND A RECOMMENDATION FROM BERLIN MISSIONS AS TO HOW TO OBTAIN A RELATED ASSURANCE FROM THE CONFIDENTIAL

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SOVIETS VIS-A-VIS THE ALLIES WOULD BE WELCOME.

ADEQUACY OF CONSULTATIONS

16. WE SHARE USBER'S VIEWS THAT THE CONSULTATION PROCESS THROUGHOUT THE JUST-COMPLETED TRANSIT NEGOTIATIONS WAS INADEQUATE. AS IS APPARENT FROM REMARKS MADE BY GEHLHOFF AND LUECKING, SO DOES THE FOREIGN OFFICE. THE THREE AMBASSADORS HAVE MADE THEIR VIEWS KNOWN ON THE SUBJECT TO GEHLHOFF, AND THEY WILL BE DISCUSSING THE FEASIBILITY OF DOING SO AT A HIGHER LEVEL. WHAT THAT MEANS, OF COURSE, IS THE CHANCELLERY, AND THE QUESTIONS OF HOW AND WHEN TO REGISTER THE POINT WILL OBVIOUSLY REQUIRE CAREFUL CONSIDERATION.

COMMENT

16. TO CONCLUDE WITH USBER'S OPENING COMMENTS (REF A), THE NEW AGREEMENTS PACKAGE DOES PROMISE CERTAIN IMPROVEMENTS FOR BERLIN AND BERLINERS. IN PUSHING THE AGREEMENTS THROUGH TO CONCLUSION, THE CHANCELLOR WAS OBVIOUSLY COUNTING ON THE FACT THAT THOSE IMPROVEMENTS WOULD BE BOTH SUBSTANTIAL AND OBVIOUS. HE WAS NO DOUBT AWARE THAT WHATEVER AGREEMENT HE GOT WOULD BE CRITICIZED BY THE OPPOSITION, ESPECIALLY IN AN ELECTION YEAR, ON GROUNDS THAT HE PAID TOO MUCH FOR TOO LITTLE.

17. SOME OBSERVERS HAVE EXPRESSED SURPRISE THAT THE FRG CONCLUDED THE AGREEMENTS JUST AT THE HEIGHT OF THE FUROR OVER GDR FORCED ADOPTIONS. THIS SURPRISE IS IN SOME WAYS PUZZLING. THE FORCED ADOPTIONS WHICH HAVE COME TO LIGHT PROVIDED ONLY ONE MORE CONFIRMATION OF WHAT EVERY ONE ALREADY KNEW -- THAT THE GDR REGIME IS REPREHENSIBLE -- AND LOGICALLY THIS HAS LITTLE TO DO WITH SPENDING MONEY FOR PRACTICAL IMPROVEMENTS IN ACCESS TO BERLIN. NEVERTHELESS, THERE WILL BE MANY WHO WILL CONTINUE TO ARGUE THAT THE CHANCELLOR COULD HAVE BROUGHT AN END TO THE FORCED ADOPTIONS BY REFUSING TO SIGN THE TRANSIT AGREEMENTS. URGENT GDR NEED FOR THE SUBSTANTIAL FUNDS INVOLVED, SO THE ARGUMENT GOES, PROVIDED  
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POWERFUL LEVERAGE THAT IS NOW LOST. THE OPPOSITION HAS ALREADY PUT QUESTIONS THAT THE GOVERNMENT MUST ANSWER IN THE BUNDESTAG AFTER THE NEW YEAR.

18. IT IS DIFFICULT TO SECOND GUESS THE CHANCELLOR'S ASSESSMENT OF THE POLITICAL FALL-OUT. HE APPARENTLY

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DECIDED THAT HE HAD OBTAINED THE BEST DEAL POSSIBLE FROM THE GDR, AND HE DOUBTLESS WEIGHED THE POLITICAL LIABILITIES CAREFULLY. WHETHER HE ALSO WEIGHED THE DESIRABILITY OF BRINGING THE CONSULTATIVE PROCESS WITH THE ALLIES TO AN ORDERLY CONCLUSION IS ANOTHER QUESTION. ALL INDICATIONS ARE THAT HE HAS LITTLE PATIENCE FOR DETAILED CONSULTATIONS ON BERLIN ISSUES UNDER MODERN-DAY CONDITIONS.

19. THERE ALSO REMAINS THE UNANSWERED QUESTION OF WHETHER THERE WERE OTHER FACTORS WHICH PERSUADED THE CHANCELLOR OF THE NECESSITY FOR MOVING QUICKLY. SO FAR WE ARE AWARE OF ONLY ONE. WHILE THE OFFICIAL FRG POSITION HAD BEEN THAT IT WOULDNOT BE RUSHED BY THE END-OF-YEAR EXPIRATION OF THE AGREEMENT ON CONFIDENTIAL

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THE LUMP-SUM PAYMENT, SINCE THE FIRST INSTALLMENT OF THE NEXT PAYMENT IS NOT DUE UNTIL MARCH 1976, WE DID HAVE SOME INDICATIONS OF CONCERN ON THAT SCORE. AN OFFICIAL IN SANNE'S OFFICE TOLD AN EMBOFF IN NOVEMBER OF THE GDR THREAT TO REVERT TO THE PRE-QA PRACTICE OF LEVYING INDIVIDUAL TOLLS ON TRAVELERS IF THERE WERE NO AGREEMENT BY THE END OF THE YEAR, AND LUECKING ALSO ALLUDED TO THAT DANGER IN HIS DECEMBER 18 BONN GROUP PRESENTATION. IT MAY WELL BE THAT THE FRG HAD BECOME CONVINCED THAT THE THREAT

WAS SERIOUS.  
HILLENBRAND

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** BERLIN QUADRIpartite MATTERS, BERLIN ACCESS CONTINGENCY PLANNING, BERLIN HIGHWAY ACCESS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 23 DEC 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** ElyME  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975BONN20712  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D750445-0656  
**From:** BONN  
**Handling Restrictions:** n/a  
**Image Path:**  
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**Legacy Key:** link1975/newtext/t19751216/aaaaaobc.tel  
**Line Count:** 711  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION EUR  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 13  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** 76 USBERLIN 2601  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** ElyME  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 23 APR 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <23 APR 2003 by MartinML>; APPROVED <22 OCT 2003 by ElyME>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
06 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** INNER-GERMAN TRANSIT PACKAGE: ALLIED FOLLOW- UP ACTION  
**TAGS:** PFOR, PGOV, WB, GE, GC  
**To:** STATE USBERLIN  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006